

January 17, 2025

Dear California Bar Board of Trustees,

The California Board of Legal Specialization (CBLS) asks you to consider this letter in the upcoming agenda item regarding the sunset of the California Board of Legal Specialization. We respectfully urge you to maintain CBLS's current format.

This issue has been discussed at the last two CBLS meetings and this letter reflects our strong opposition to sunset of the CBLS and replacing the functions with staff and paid consultants. The CBLS provides a low cost means of oversight of the CBLS program and a centralized approach to the program. The CBLS is composed of volunteers, who dedicate their time and skills in furtherance of the CBLS, and to seek out ways to improve the program.

Importantly, the CBLS is designed to protect the public, and to provide transparency to stakeholders, and is currently formatted to ensure the best protections for reasons outlined below:

- 1) **For Over Fifty Years Now, CBLS has Provided Public Protection by Overseeing the State Bar's Legal Specialization Program.** CBLS was established in 1973 to administer the California Bar Legal Specialization Program and has served as a national model for specialization. The program began with very few specialization areas but has expanded to eleven areas of law. CBLS was approved by the California Supreme Court in 1985. The program was designed to promote attorney competence and protect the public by providing an independent means to verify an attorney's qualifications.
- 2) **Specialized Law is Complex. Specialist Attorneys are in the Best Position to Truly Understand the Nuances of Specialization.** To become a Specialist, applicants must pass a rigorous written legal test, have more than five years of legal experience, must complete continuing education in the specialty area, demonstrate comprehensive experience in the specialty area and have favorable evaluations by attorneys and judges familiar with the applicant's work. Approximately only 2.5% of all California attorneys are certified as a Specialist. CBLS recommends program rules and provides policies and guidelines for certification of specialists, develops testing and legal education criteria for specialists, and advises the Board of Trustees on establishment of specialty fields. The listed roles of CBLS are only achievable through a public board with specialist attorneys, because the attorneys are so knowledgeable about different specialist areas and the process of becoming a specialist. While paid consultants could do some of these tasks, they would be lacking the institutional knowledge and shared information that CLBS specialist attorneys have.

- 3) **CBLS Members Have Self-Interest in Maintaining the Highest Standards.** CBLS consists of seven members, five of whom are attorney specialists in varying areas. The five attorneys on the CBLS represent almost 5,000 specialist attorneys. All specialist attorneys, including those on CBLS, benefit from the program by increasing their legal knowledge, associating with other specialists, and presenting themselves as specialists when advertising or meeting with clients. These same factors result in attorneys providing better services to clients. Similarly, the public members of CBLS benefit because they are helping the public in general by ensuring that specialist attorneys are held accountable to the highest standards.
- 4) **The Transparency of CLBS and the Certification of a Specialist Under the Auspices of a Board Best Serves Stakeholders, Appears More Formal, and Imbues the Certification with a Greater Level of Prestige.** CBLS members are listed online, and the information is open to the public on the California Bar website. Stakeholders and the public are able to be aware of the composition of the CBLS and background of the members and have an opportunity to seek appointment to the CBLS. CBLS meetings, agendas, and materials are open to the public. People are given the opportunity to address CBLS to provide real time input regarding the program, changes, and needs. The public and specialist attorneys can access this information so that they can provide input. Transparency helps to improve public opinion of the specialization program and the increased communication helps to provide the best services possible to stakeholders.

If the Board of Trustees were to sunset CBLS, then the public and specialist attorneys will not be aware of potential upcoming changes, they will not have the opportunity to provide input, they will not know when changes are made, they will not know why the changes are being made, and they will not know who is deciding to make the changes. People naturally want to know that answer to the questions of who, what, when, where, and why. This holds even more true when it comes to decisions about who qualifies for a certain position. Persons are more likely to doubt or question decisions when there is a lack of transparency and information.

- 6) **Specialists Fees Produce Over One Million Dollars Yearly and the CBLS Budget is Minimal-** CBLS has an approximately annual budget of only \$6,000. Last year, there were 4,802 Specialists, paying \$360 annually. That amounts to \$1,728,720 paid to the California Bar last year in legal specialization dues. As it stands, CBLS is an income producing organization and the CBLS budget is minimal in comparison to the income produced by Specialists.
- 7) **CBLS is Committed to Developing Additional Specialization Areas.** The current CBLS is committed to developing additional areas. A new specialization in Privacy Law, for example, was approved by the CBLS at the last meeting which is to be submitted to the

Board of Trustees for review. Additional potential areas of specialization include suggestions for Personal Injury law and Social Security Law. CBLS is dedicated to streamline the process for development and approval of new areas and to streamline that approach.

- 9) **CBLS is Uniquely Situated to Attract Additional Specialists and Expand Areas of Specialization and Receptive to Creative Ways to Further Expand and Support Greater Inclusion.** A recent suggestion by Director, Leah Wilson, of sub-certifications in particular areas is an excellent suggestion and example of a creative way to expand the program and provide greater inclusivity, for example for newer attorneys. An example of an approach might be to look at the University of California at Berkeley, certificate program in Generative AI for the Legal Profession, and which creates competency in that area, without requiring years of experience in an emerging area. Similarly, the CBLS could identify areas for a certificate, approved by the State Bar, which would also allow for a diverse group of persons, including newer attorneys, to demonstrate specialized knowledge in an area and begin the work in that regard. *The current makeup of CBLS is conducive to such productive growth. Non-attorney Staff are not able to make any said expansion.*

CBLS acknowledges that the reach of the program, areas of specialty, and efficiency require improvement. The current CBLS is committed to creating greater efficiency, initiating the development of new specialty areas, to develop areas for a certificate to demonstrate specialized knowledge, and to streamline the processes. The CBLS provides a valuable service and is well respected. The CBLS should be retained, or sunseting deferred, to allow for the CBLS to demonstrate improvement and expansion, in alignment with the goals of the State Bar, and in protecting the public, *as currently recognized, and approved.*

We thank you for your time and consideration. We welcome any questions, suggestions, or comments.

Sincerely,

California Board of Legal Specialization